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Date: April 4, 2007
TO: Djenane M. Bayard – United States Patent and Trademark Office
FAX NO.: 571.273.8300
FROM: Brian Steed

In re patent application of:

Applicant(s): Timothy Regan

Examiner: Djenane M. Bayard

Serial No: 10/600,237

Art Unit: 2141

Filing Date: June 19, 2003

Title: INSTANT MESSAGING FOR MULTI-USER COMPUTERS

NUMBER OF PAGES TO FOLLOW: 2

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Dear Examiner Bayard:

Thank you for your time and efforts with respect to the subject application. As discussed, we would like to hold a teleconference to discuss the subject patent application. The attendees will be Ron Krosky and Brian Steed. The proposed agenda is a discussion of the 35 U.S.C. §101, 35 U.S.C. §102(a), and 35 U.S.C. §103(a) rejections.

With regard to the 35 U.S.C. §101 rejection of claim 1, applicant's representative argues that the claimed subject matter, instant messaging software that provides plural concurrent instant message user logins, is not nonfunctional descriptive material, as asserted in the arguments put forth in the most recent office action. Rather, software that provides instant message functionality, as well as a means for logging into such a system, provides a useful, concrete, and tangible result, and is therefore statutory subject matter patentable under 35 U.S.C. §101.

With regard to the 35 U.S.C. §102(a) rejection of claims 21-25 and 27-29, applicant's representative argues that the cited prior art does not teach or suggest a plural *concurrent* instant message user logins on a multi-user computer, as recited in applicant's independent claim 1. The cited art (Thomas) only discloses a method for creating user profiles on an instant messaging system running concurrently with video, but is silent regarding multiple *simultaneous* logins on such a system.

Furthermore, dependent claim 28 recites a *system in which the instant message is rendered over a user-selectable portion of the video display*. The cited art (Thomas) discloses that any suitable arrangement of message window and video programming may be used to display instant messages and television programming simultaneously, but is silent regarding a method by which the orientation of an instant message over a portion of the video display is *customizable by the user*. This novel feature is a limitation of applicant's subject claims that is not taught or suggested by the cited art.

Finally, with regard to the 35 U.S.C. §103(a) rejection of claims 1-4, 6-13, and 15-20, applicant's representative argues that the cited prior art references (Thomas and Mandato), alone or in combination, fail to predict or make obvious a system by which a user of a second computer receives an indication that a registered buddy on a shared

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multi-user computer is one of plural concurrent instant message user logins. Mandato only discloses a database for storing and managing instant message user profiles that allows multiple user profiles to be created for one user, each profile representing a different physical location and /or logical context for that user. From these profiles, the user can choose to activate one, and *only one*, that corresponds to his or her current physical and contextual environment. Mandato does not provide for multiple *concurrent* instant message user logins on a shared computer, and therefore fails to disclose a method for indicating the active status of said concurrent logins to a user of a second computer.

Best regards,

Brian Steed